

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Astrom, et al. Art Unit : 2624
Serial No. : 10/774,948 Examiner : Tsung Yin Tsai
Filed : February 10, 2004 Conf. No. : 8639
Title : METHOD AND ARRANGEMENT IN A MEASURING SYSTEM

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants seek panel review because the final rejection demonstrates that the Examiner has misunderstood the main reference, or the present claims, or both.

The present subject matter relates to determining imaging characteristics of an object. Currently, claims 17-38 are pending, of which claims 17 (method) and 28 (system) are independent claims. Most of the claims were rejected under § 102(b) over U.S. 3,719,775 (Takashi), with the remainder of claims rejected under § 103(a) based on Takashi in view of U.S. 6,934,420 (Hsu).

Independent method claim 17 recites that incident light is cast “onto a specific location on an object,” and that detected light is captured. Particularly, the detected light includes at least “(i) light from reflection of the incident light, and (ii) light from scattering of the incident light.” The claim then recites that “an object scattering property for the specific location” is determined.

Takashi describes a system by which a flying airplane scans the ground with laser light and an image of the ground is created. The Examiner takes the position that the “scattered light” mentioned in Takashi’s FIG. 9 is scattered from the ground. *See* Final office action, p. 2-3. Applicants respectfully submit that the Examiner errs in this regard. The scattered light in Takashi’s FIG. 9 refers to “light scattered backward by *space particles such as fine drops of mist suspended in the atmosphere.*”¹ Takashi col. 5, lines 18-21. This light in Takashi is not scattered by the ground; rather, according to Takashi the light is scattered by the space particles in the atmosphere so that it never impacts the ground. *Id.*

¹ Emphasis is added unless otherwise noted.

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Stated more specifically, Takashi's light rays that become scattered by the space particles have not been cast "onto a specific location on an object," as is required for the "incident light" of the present claim. Because Takashi's light rays that become scattered are not "incident light," Takashi also fails to teach or suggest capturing of "light from scattering of the incident light."

Takashi also does not determine "an object scattering property for the specific location" as required by the present claims. The claims define the specific location as being on the "object"—which would be the ground in Takashi. Because Takashi's light is scattered by space particles, it does not indicate any object scattering property of the ground. As such, Takashi determines no "object scattering property for the specific location" per the present claims.

In conclusion, the Examiner misunderstands Takashi's description of the light that is scattered by the space particles, or misinterprets the present claims, or both. Either way, the rejection is not supported and should be reversed.

The present claims appear to be in condition for allowance.

This request is being filed with a notice of appeal. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: November 17, 2010 _____

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